

## **I. REMARKS**

Claims 1-27 have been canceled. Claims 28-32 have been added. Support for the claim amendments and new claims are set forth in the following Table.

Claim #	Support for Amendment in Specification
28	Original claims; paragraph [0052] and generally throughout the specification and Figures
29	Paragraph [0034]
30	Paragraphs [0001], [0023] and generally throughout the specification and Figures
31-32	Paragraph [0025] and Figure 4F

In view of the Amendment and Remarks herein and the Terminal Disclaimer submitted herewith, it is respectfully requested that the claims are in condition for allowance.

## **II. DOUBLE PATENTING REJECTIONS**

The Office Action has rejected previously pending claims 1, 3, 5, 7-15, 19, 23 and 27 on the grounds of obviousness-type double patenting over U.S. Patent No. 6,536,657 in view of U.S. Patent No. 5,952,068 to Neale *et al.* ("Neale"). The Office Action has further rejected claims 1, 3, 5 and 7-15 on the grounds of obviousness-type double patenting in view of U.S. Patent No. 6,729,534 in view of Neale.

Applicants are submitting herewith a Terminal Disclaimer. As such, it is respectfully contended that the obviousness-type double patenting rejections have been obviated.

## **III. REJECTIONS UNDER 35 U.S.C. § 103 (a)**

Claims 7-12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,679,724 ("Iganaki"), in view of U.S. Patent No. 4,051,951 ("Smith"). Claims 7-12 have been canceled herewith. Thus, it is believed that this rejection has been rendered moot.

Claims 1, 3, 5, 7-16, 18-20, 22-24 and 26-27 were rejected as allegedly being unpatentable over U.S. Patent No. 5,469,983 ("Yawata"), in view of Neale. Specifically, it was contended that:

Yawata discloses a frusto-conical cup including a substrate layer and at least one film (21 or 22) connected thereto and adapted to shrink away from the substrate layer as claimed and/or adapted to insulate the container during use.

Office Action at Paragraph 6. The Office Action concedes that Yawata does not disclose attachment of the shrink film to the sidewall blank prior to formation of the cup. To supply the missing element, the Office Action uses Neale for its disclosure of the “attachment of a lamination prior to formation of the cup *i.e.*, to provide attachment to a blank.” Office Action at Paragraph 6.


Review of Yawata indicates that the heat shrinkable film is bonded to the outer surface of the container. (*See* Yawata at col. 6, lines 52-57, Figures 4(a)-4(d)). Neale discloses the insulation applied by adhesion to the container blank at the location that will be the outer surface of the finished container. (*See* Neale at col. 3, lines 59-63 and Figures.)

As amended, the claims now recite that the shrink film layer is applied to the interior surface of the substrate layer, wherein the interior surface of the substrate layer will be the interior surface of a container made from the blank. There is no suggestion or motivation that the film of Yawata could be applied at any other place in the container structures of Yawata. There is no disclosure in Neale that the insulation can be applied to what will be the interior of the container. Each and every element of the claimed invention must be set forth in an obviousness rejection. *See In re Royka*, 490 F.2d 981 (CCPA 1974). (“All words in a claim must be considered in judging the patentability of that claim against the prior art.”) Thus, it is respectfully contended that the claims as presented herewith are allowable over the prior art of record.

#### **IV. CONCLUSION**

In view of the above Amendment and Remarks, as well as the accompanying Terminal Disclaimer, it is respectfully stated that the claims are in condition for allowance. Applicants respectfully seek notification of same.

Respectfully Submitted,

  
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